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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,968	12/05/2001	Toshihiro Tatsumi	60188-122	1394
7590	01/17/2006		EXAMINER	
Jack Q. Lever, Jr. McDERMOTT, WILL & EMERY 600 Thirteenth Street, N.W. Washington, DC 20005-3096				HALIYUR, VENKATESH N
		ART UNIT	PAPER NUMBER	2664

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/001,968	TATSUMI, TOSHIHIRO	
	Examiner	Art Unit	
	Venkatesh Haliyur	2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 October 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12/05/2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 12/5/01.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. Claims 1-11 have been examined.

Priority

Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(e) based upon an application 2001-115202 filed in Japan on 04/13/2001.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hauck et al [US Pat 6,628,607] in view of McDonnell [US Pat 6,778,506].

Regarding claims 1,2,6,7 Hauck et al disclosed a "Method and Apparatus for Loop Breaking on a Serial Bus" using one of the communication nodes or ports located at both ends of a transmission path to detect and remove loops when a communication link is either added or disconnected to a serial bus or between devices connected to a network [Column 2,lines 26-45, Column 4, lines 8-62, Column 5 lines 3-29].

But, Hauck et al fails to disclose a method that makes the added logical transmission path unavailable when logical loops are detected.

However, McDonnell et al disclosed in their invention, "Loop prevention in Networks" a method to establish logical connections without loops or to remove logical links when a logical loop was detected [Column 1, lines 37-44].

Therefore it would have been obvious for one of ordinary skill in the art to use the teachings of McDonnell et al to detect and remove logical loops in the method of Hauck et al for the determination and prevention of loops or annular paths for topology correction in a network with plurality of communication nodes.

Regarding claim 3, Hauck et al disclosed a method to designate another port [Column 7, lines 39-52] for the determination of loops in the event the previously operational port becomes inoperative. One of the reasons for a node to be inoperative can be loss of power and it becomes operational when the power is turned on.

Regarding claims 4,8,10,11 Hauck et al disclosed a method to detect loop by sending a loop test packet from a first port or node to which the transmission link is connected and listening for the receipt of the loop test packet at a second port or node of another transmission link. A loop determination is made If the test packet was received through another transmission path [Column 6, lines 35-56].

Regarding claim 5,9 Hauck et al disclosed a method for the receipt of the loop test packet at a second port with in the expiration of the period of time and receipt of a packet after the expiration of the time period to determine if a loop exists or not [Column 7, lines 8-16].

Response to Arguments

3. Applicant's arguments filed on 10/25/2005 have been fully considered but they are not persuasive and the examiner respectfully traverses the applicants' response to FOAM dated July 26,2005.
4. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.
5. Examiner respectfully traverses the applicants arguments to the claim rejections as cited in pp 6 – 9 as follows-

- a. Response to argument for claim rejections under 35 U.S.C 112:
 - i. Examiner respectfully withdraws the Rejection made under 35 U.S.C 112, second paragraph in section 2 of the FOAM dated July 26,2005 in view of the applicants amendments to claims 1,6,7,10,11 filed on 10/25/2005.

b. Response to argument for claim rejections under 35 U.S.C 103:

ii. For amended claim 1,10, Hauck et al. disclosed a bus reset when it is determined that no new annular path is formed [column 7, lines 161-67,column 8,lines 1-67]. Also McDonnell et al. individually disclosed a soft reset method after determining there are no logical loops in the connected groups of nodes [column 2, lines 10-44].

iii. For amended claim 6,7,11 please refer to original rejection under 35 U.S.C 103 above.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art in reference here are Hauck et al and McDonnell et al.

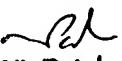
7. Any inquiry concerning this communication or earlier communications should be directed to the attention to Venkatesh Haliyur whose phone number is 571-272-8616.

The examiner can normally be reached on Monday-Friday from 9:00AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached @ (571)-272-3134.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2600 or fax to 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).


Ajit Patel
Primary Examiner